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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,373	05/19/2005	Hidetaka Oka	EL/2-22798/A/CGJ 130/PCT	9344

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EXAMINER	
JOHNSON, CONNIE P	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/07/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/535,373	OKA ET AL.	
	Examiner	Art Unit	
	CONNIE P. JOHNSON	1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6 and 11-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The remarks filed 3/16/2009 have been entered and fully considered.

2. Claims 1-3, 6 and 11-13 are presented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tronche et al., U.S. Patent Publication No. 2002/0025402 A1 in view of Kakuta et al., U.S. Patent No. 6,661,770 B2.

Tronch teaches a radiation curable composition for optical discs comprising a photoinitiator (page 5, [0047]), a polymerizable monomer (page 5, [0052]), an epoxy acrylate to increase curing speed (page 4, [0043]) and an alkali-soluble polymer (page 5, [0045]). Tronch teaches vinyl ethers and vinyl esters as the polymerizable monomer (instant claim 13) (page 5, [0052]). Although Tronch teaches a phthalocyanine dye in the composition, Tronch does not teach the specific structure of a copper phthalocyanine dye with hydroxyl groups as the substituents as claimed.

However, Kakuta teaches an optical recording layer comprising a copper phthalocyanine dye wherein the substituent is preferably a hydroxyl group (col. 10, line 66). Although Kakuta does not teach choosing one group over the other, it would have

been obvious to one of ordinary skill in the art to choose the hydroxyl group because Kakuta teaches the hydroxyl group as an example of preferred substituents on the phthalocyanine compound. Further, it would have been obvious to one of ordinary skill in the art to use the phthalocyanine dye of Kakuta in the composition of Tronch to form a recording medium of large capacity and high density (col. 9, lines 55-60).

5. Claims 1, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al., U.S. Patent No. 4,789,620 in view of Wolleb et al., U.S. Patent No. 6,444,807 B1.

Sasaki teaches a photosensitive composition comprising an alkali-soluble monomer or oligomer (col. 5, lines 45-60), a photoinitiator (see abstract), an epoxy compound (col. 4, line 50), a vinyl monomer component (col. 7, lines 3-4) and a phthalocyanine green pigment (see examples in columns 12-16). Sasaki does not teach that the phthalocyanine green colorant has the structure as in the formula of instant claim 1.

Additionally, Wolleb teaches phthalocyanine dyes in a photosensitive composition. The phthalocyanine dye exemplified in example B10 in column 19 meets the limitations of instant claim 1, when n=0 wherein the oxygen is directly attached to the benzene ring. Wolleb teaches the phthalocyanine dye is used to color surface-coating compositions, heat-sensitive recording compositions and light-sensitive compositions for negative and positive resist compositions (col. 8, lines 43-50). It would have been obvious to one of ordinary skill in the art to use the phthalocyanine compound of Wolleb in the composition of Sasaki with reasonable expectation of forming a colored

photosensitive composition with improved properties, such as color strength, transparency and fastness as taught by Wolleb (col. 8, lines 50-53).

6. Claims 1, 2, 6, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasaw et al., U.S. Patent No. 6,051,360 in view of Yashiro et al., U.S. Patent No. 7,144,677 B2.

Karasaw teaches a photoresist composition comprising a dye, a binder polymer, a photopolymerizable polyfunctional monomer and a photopolymerization initiator (col. 12, lines 38-41). The polymer is alkali-soluble (component B) (col. 12, line 57), the polyfunctional monomer comprises vinyl monomers (col. 13, lines 3-7) (component C) and the composition also comprises an epoxy compound (col. 13, line 8). Karasaw does not teach the specific phthalocyanine dye in instant claim 2.

Additionally, Yashiro teaches a recording layer comprising a copper phthalocyanine dye with the substituent (-O-C(R^1)(R^3)-R^2) wherein R^1 and R^3 are hydrogen atoms and R^2 is a phenyl group (col. 7, lines 11-35). The substituent group (-O-C(R^1)(R^3)-R^2) is preferred to attach to the phthalocyanine compound to improve recording sensitivity, adjust absorption wavelength of the recording layer and improve solubility in the coating solvent (col. 7, lines 11-14). Therefore, it would have been obvious to substitute the phthalocyanine dye of Yashiro in the composition of Karasaw to improve coating properties as taught by Yashiro.

Response to Arguments

7. Applicant's arguments filed 3/16/2009, with respect to the rejection(s) of claim(s) 1, 2, 6, 11 and 13 under 103(a) and claims 3 and 12 under 103(a) have been fully

considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, new ground(s) of rejection are made herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CONNIE P. JOHNSON whose telephone number is (571)272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Connie P. Johnson/
Examiner, Art Unit 1795

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795